

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 29, 2007. Claims 1, 3 to 8, 10 to 14, 100, 101 and 103 are pending in the application, and Claims 1, 5, 8, 12, 100 and 101 are in independent form. Reconsideration and further examination are respectfully requested.

Claims 1, 3, 4, 6 to 11, 13, 14, 101 and 103 were rejected under 35 U.S.C. § 102(e) over U.S. Patent Application Publication 2005/0060198 (Bayne); and the remaining claims have been rejected under § 103(a) over Bayne further in view of U.S. Patent 5,363,842 (Mishelevich) or U.S. Patent 5,894,841 (Voges). The rejections are respectfully traversed because the applied references are not seen to show the identical invention as in the claims, with all of the elements arranged as required by the claims. (See, MPEP § 2131 (“[To anticipate a claim, t]he identical invention must be shown in as complete detail as is contained in the . . . claim. The elements must be arranged as required by the claim”). (citations omitted)(emphasis added))).

Claims 1, 8 and 100

Referring specifically to the claims, independent Claim 1 is directed to a health management system for managing health of each user carrying a portable terminal. The health management system includes a portable terminal which is arranged to be carried by a user and includes a display screen, radio communication means for accessing a predetermined radio communication network, storage means for storing personal information of the user, wherein the personal information includes information of a clinical chart and prescription of the user, an input/output device for supporting health management for the user, and an emergency notification switch for causing the portable terminal to enter

an emergency notification mode. The health management system also includes a database including personal information storage means for storing the personal information about each user carrying the portable terminal, medical information storage means for storing information about a medical facility, a drugstore, a medicine, and the input/output device, and communication means for communicating with the portable terminal through the radio communication network. The radio communication means transmits part of the personal information stored in the storage means in starting to communicate with the database. The database further includes identification means for identifying the user of the portable terminal by collating the part of the information transmitted from the radio communication means with information stored in the personal information storage means, and emergency handling means which is activated and provides either communication with a medical facility whose information is stored in the medical information storage means or information stored in the medical information storage means, which is necessary for the identified user for the portable terminal, in accordance with information transmitted from the radio communication means, to the portable terminal when the portable terminal enters the emergency notification mode.

Independent Claim 8 is directed to a method which is seen to generally correspond with Claim 1.

Independent Claim 100 is directed to a information provision method for providing medical information about health, a medical treatment or a medicine from a database. The method includes the step of receiving, from a portable terminal through a network, user information stored in the portable terminal and an emergency notification for causing the portable terminal to enter an emergency notification mode, wherein the user

information includes a clinical chart and prescription of the user. The method also includes the step of identifying a user of the portable terminal by collating the user information transmitted from the portable terminal with personal information stored in the database. In addition, the method includes the step of providing either communication with a medical facility or the medical information stored in the database to the portable terminal of the identified user in the emergency notification mode.

Thus, among other features, Claims 1 and 8 include a portable terminal that has (1) a storage means for storing personal information of a user, including information of a clinical chart and prescription of the user, and (2) an emergency notification switch for causing the portable terminal to enter an emergency notification mode. Similarly, the features of Claim 100 include receiving from a portable terminal through a network (1) user information and (2) an emergency notification.

In entering the rejections of Claims 1, 8 and 100, the Office Action first equates Bayne's clinician device 140 to the claimed portable terminal including "storing means storing personal information of the user . . . (Bayne, Abstract; ¶ 36, 39-41)" (Office Action, page 3). However, the Office Action then appears to equate a different device in Bayne, i.e., internet capable medical device 106, to the portable device having "an emergency notification switch for causing said portable terminal to enter an emergency notification mode, (Bayne, ¶ 32, 78)." (Office Action, page 3).

Applicants respectfully submit that such reasoning cannot support a rejection under § 102. In particular, even if these two different devices in Bayne could be

seen to individually include certain claimed features relating to the portable terminal¹, such disclosure would not show “The elements ... arranged as required by the claim” (MPEP § 2131), because these claimed features relate to a single device, a portable terminal. In this regard, Applicants specifically traverse the Office Action’s suggestion, in response to prior arguments in support of patentability, that Bayne’s “internet capable medical device [106] is considered to be the same as a clinician device [140]”. (Office Action, page 9)(emphasis added). On the contrary, Bayne clearly discloses clinician device 140 and internet capable medical device 106 as separate devices.

Furthermore, Applicants note that the Office Action’s reference to paragraph [0032] of Bayne seems to be misplaced, because this portion of Bayne teaches that “life-threatening conditions [are referred] to more appropriate ambulance, life-flight, or other critical care services” which are seen to be completely outside of Bayne’s system.

For at least the foregoing reasons, Bayne is not seen to disclose or to suggest a portable terminal that has (1) a storage means for storing personal information of a user, including information of a clinical chart and prescription of the user, and (2) an emergency notification switch for causing the portable terminal to enter an emergency notification mode, or disclose or suggest receiving from a portable terminal through a network (1) user information and (2) an emergency notification.

The remaining applied references are not seen to cure the deficiencies of Bayne, either alone or in any permissible combination. Accordingly, independent Claims 1, 8 and 100 are believed to be allowable.

¹/Applicants do not concede this.

Claims 5, 12 and 101

Independent Claim 5 is directed to a health management system for managing health of each user carrying a portable terminal. The health management system includes a portable terminal which is arranged to be carried by a user and includes a display screen, radio communication means for accessing a predetermined radio communication network, a storage means for storing personal information of the user, an input/output device for supporting health management for the user, and an emergency notification switch for causing the portable terminal to enter an emergency notification mode. The health management system also includes a database including personal information storage means for storing the personal information about each user carrying the portable terminal, medical information storage means for storing information about a medical facility, a drugstore, a medicine, and the input/output device, and communication means for communicating with the portable terminal through the radio communication network. The radio communication means transmits part of the personal information stored in the storage means in starting to communicate with the database. The input/output device is an inhaler for discharging a medicine in the form of fine droplets to make the user inhale the droplets, and the information about the input/output device includes information about handling of the inhaler. The database further includes identification means for identifying the user of the portable terminal by collating the part of the information transmitted from the radio communication means with information stored in the personal information storage means, and emergency handling means which is activated and provides either communication with a medical facility whose information is stored in the medical information storage means or information stored in the medical information storage means, which is necessary for the

identified user for the portable terminal, in accordance with information transmitted from the radio communication means, to the portable terminal when the portable terminal enters the emergency notification mode.

Independent Claim 12 is directed to a method which is seen to generally correspond with Claim 5.

Independent Claim 101 is directed to an information provision method for providing medical information about health, a medical treatment or a medicine from a database. The method includes the step of receiving, from a portable terminal through a network, user information stored in the portable terminal and an emergency notification for causing the portable terminal to enter an emergency notification mode. The method also includes the step of identifying a user of the portable terminal by collating the user information transmitted from the portable terminal with personal information stored in the database. In addition, the method includes the step of providing either communication with a medical facility or the medical information stored in the database to the portable terminal of the identified user in the emergency notification mode. The portable terminal includes an inhaler which discharges a medicine on the basis of an ink-jet scheme using heat.

Thus, Claims 5, 12 and 101 include features of a portable terminal that includes a storage means for storing personal information of the user, and an emergency notification switch for causing the portable terminal to enter an emergency notification mode (Claims 5 and 12), or features of receiving, from a portable terminal through a network, user information stored in the portable terminal and an emergency notification for causing the portable terminal to enter an emergency notification mode (Claim 101).

Similar to the discussion above, the Office Action's characterization of Bayne is seen to be contrary to a rejection for anticipation of these features by Bayne, or the other applied references. Accordingly, Claims 5, 12 and 101 are believed to be allowable.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Gregory S. Weaver, #53,751/

Gregory S. Weaver
Attorney for Applicants

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200